

### **REMARKS**

Claim 7 is amended and claims 11-12 are canceled. Claims 1-10 and 13-15 are pending in this application.

Applicant submitted an Information Disclosure Statement and a PTO 1449 Form on January 21, 2008. Applicant respectfully requests that initialed copies of the PTO 1449 Forms be returned to Applicant's Representatives to indicate that the cited references have been considered by the Examiner.

#### **The Rejection of Claims Under § 102**

Claims 11-12 are rejected under 35 U.S.C. 102 (b) as anticipated by Bertolesi et al. (Mol. Pharmacol. 62:210-219, 2002, hereafter Bertolesi). Applicant respectfully submits that the cancellation of claims 11-12 renders this rejection moot.

#### **The Rejection of Claims Under § 103**

Claims 7-8 and 10 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Bertolesi et al. (Mol. Pharmacol. 62:210-219, 2002, hereafter Bertolesi) in view of Gray et al. (U.S. Patent Number 6413967, hereafter '967). Applicant respectfully traverses this rejection.

Bertolesi et al. specifically reject the hypothesis that T type calcium blockers inhibit proliferation by cell cycle arrest and cytostasis (page 214 section beginning in left column titled "Cytostatic or Cytotoxic Effects of Pimozide and Mibefradil"). Instead, they interpret their experimental results to indicate that these drugs block proliferation by inducing cell death. A basic tenet of the present application is that inhibition by T type calcium blockers is by inducing cell cycle blockade and inducing cytostasis. Cytostatic and Cytotoxic are fundamentally different. Conventional cancer chemotherapeutic agents are cytotoxic, which has implications for the clinical approach to therapy. Cytotoxic drugs are administered intermittently while cytostatic drugs are given chronically. Cytotoxic drugs cause collateral damage to normal, healthy tissues, which bring dose and schedule limiting toxicities. This is not true with cytostatic regimens. Cytotoxicity and cytostasis are mechanistically dichotomous such that implication of one mechanism necessarily excludes the other.

As such, Applicant respectfully submits that Bertolesi et al. do not disclose or suggest inducing cytostasis or inducing cytostatis in a patient (claim 7). Applicant respectfully submits that the secondary reference, Gray et al., does not remedy the deficiencies of Bertolesi et al. Thus, Applicant respectfully requests withdrawal of this rejection under 103.

Claims 9 is rejected under 35 U.S.C. 103 (a) as being unpatentable over Bertolesi et al. (Mol. Pharmacol. 62:210-219, 2002, hereafter Bertolesi) ) in view of Gray et al. (U. S. Patent Number 6413967, hereafter '967), as applied to claim 7 above, and further in view of Lewin et al. (U. S. Patent Application Publication 2006/0110332, hereafter '332). Applicant respectfully traverses this rejection.

Bertolesi is discussed above. Applicant respectfully submits that the secondary references, Gray et al. and Lewin et al., do not remedy the deficiencies of Bertolesi et al. Thus, Applicant respectfully requests withdrawal of this rejection under 103.

**CONCLUSION**

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's representative at (612) 373-6905 to facilitate prosecution of this application.

If necessary, please charge any additional fees or deficiencies, or credit any overpayments to Deposit Account No. 19-0743.

Respectfully submitted,

SCHWEGMAN, LUNDBERG & WOESSNER, P.A.  
P.O. Box 2938  
Minneapolis, MN 55402--0938  
(612) 373-6905

Date June 9, 2011

By / Monique M. Perdok Shonka /  
Monique M. Perdok Shonka  
Reg. No. 42,989